

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE		PAGE OF PAGES 1 3	
2. AMENDMENT/MODIFICATION NO. A0002		3. EFFECTIVE DATE 02/24/2004		4. REQUISITION/PURCHASE REQ.NO.		5. PROJECT NO. (If applicable)	
6. ISSUED BY U.S. DOT/RSPA/Volpe Center 55 Broadway Cambridge MA 02142		CODE DTS-852		7. ADMINISTERED BY (If other than Item 6) U.S. DOT/RSPA/Volpe Center 55 Broadway Cambridge MA 02142		CODE DTS-852	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)				(x)			
				9A. AMENDMENT OF SOLICITATION NO. DTRS57-04-R-20012			
				9B. DATED (SEE ITEM 11) 01/29/2004			
				10A. MODIFICATION OF CONTRACT/ORDER NO.			
				10B. DATED (SEE ITEM 13)			
CODE		FACILITY CODE					
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS							
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended. <input checked="" type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment number. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.							
12. ACCOUNTING AND APPROPRIATION DATA (If required.)							
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.							
(x)		A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.					
		B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).					
		C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO THE AUTHORITY OF:					
		D. OTHER (Specify type of modification and authority)					
E. IMPORTANT: Contractor <input type="checkbox"/> is not. <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.							
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)							

See the attached continuation sheets for details.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
15B. CONTRACTOR/OFFEROR		16B. UNITED STATES OF AMERICA	
_____ (Signature of person authorized to sign)		_____ (Signature of Contracting Officer)	
15C. DATE SIGNED		16C. DATE SIGNED	

1. Section H, H.3 CONTRACTOR RESPONSIBILITY (DEC 1998), page 33, is revised to read as follows:

H.3 CONTRACTOR RESPONSIBILITY (FEB 2004)

Breakage or loss of office equipment or other property including that of a Government employee, which may occur in or about the building as a result of a fault or negligence in the Contractor's operations or fault or negligence in the actions of the Contractor's agent, subcontractors or its employees shall be made good by the Contractor at its own expense.

2. Section H, H.11 SECURITY AND POSITION SENSITIVITY DESIGNATIONS (DEC 2003), page 38, the first paragraph is revised to read as follows:

H.11 SECURITY AND POSITION SENSITIVITY DESIGNATIONS (FEB 2004)

Portions of the work under Section C will require contract personnel with security clearances at Confidential or Secret levels, and in some instances, Top Secret. Cleared personnel must be available at the transition of the contract or task order. The Contractor should also possess a Secret Facilities Clearance in accordance with the Industrial Security Regulation (DOD 5220.22R) for the receipt, generation, and storage of classified material. The Contractor shall be responsible for obtaining appropriate security clearance from the Defense Investigative Service and for ensuring compliance by its employees and subcontractors(s) with the security regulations of the Government installation or Contractor (or subcontractor) facility where work is to be performed (See Attachment J.3 – DOD CONTRACT SECURITY CLASSIFICATION SPECIFICATION, DD-254).

3. Section K – REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS, K.4 FAR 52.204-5 WOMEN-OWNED BUSINESS (OTHER THAN SMALL BUSINESS) (MAY 1999), page 56, paragraph (b) is corrected to read as follows:

(b) Representation. [Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b)(1) of FAR 52.219-1, Small Business Program Representations, of this solicitation.] The offeror represents that it [] is a women-owned business concern.

4. Section L, L.3.C. COPIES, page 70, is revised to read as follows:

L.3.C. COPIES

You must submit three (3) copies of the Cost and Business Proposal (Volume I) and seven (7) copies each of the Technical Proposal (Volumes II and III). The Cost and Business Proposal must also be submitted on a 3 1/2-inch floppy disk or CD in a virus-free format compatible with Microsoft Office Version 2000. Offerors should ensure that their subcontractors also submit the required number of copies even if the subcontractor sends its proprietary proposal data directly to the Government.

5. Section L, L.5.C. PROCESS, PARTS OF THE TECHNICAL PROPOSAL, page 93, the second line at the top of the page is corrected to read as follows:

ORAL PRESENTATION (VOLUME II)

6. Section L, L.5.C. PROCESS, PARTS OF THE TECHNICAL PROPOSAL, page 95, the line in the middle of the page is corrected to read as follows:

PART A – PAST PERFORMANCE (VOLUME III)

7. Section L, L.5.C. PROCESS, PARTS OF THE TECHNICAL PROPOSAL, page 99, the first line at the top of the page is corrected to read as follows:

PART B – STAFFING (VOLUME III)

8. Section M, M.2.B. FACTORS FOR EVALUATION, Management Approach, page 102, the first sentence is corrected to read as follows:

Management Approach. Evaluation of this factor will be based on an **oral presentation** by the Program Manager and the Task Area Manager(s) identified above under Staffing.

9. Section M, M.2.B. FACTORS FOR EVALUATION, Past Performance, page 102, the first paragraph is revised to read as follows:

Past Performance. Evaluation of this factor is to assess the ability of the Offeror to perform successfully based upon an evaluation of its relevant past performance history (past three years) on tasks of the type and complexity described in the SOW. This factor includes assessment of (1) quality of product/service; (2) timeliness of performance; (3) cost control; and (4) business relations. These subfactors are of equal importance.

10. Section M, M.2.B. FACTORS FOR EVALUATION, Staffing, page 102, is revised to read as follows:

Staffing. Evaluation of this factor is to assess (1) the qualifications of the Program Manager, (2) the qualifications of the proposed Task Area Manager(s) in each of the two major task areas of the SOW, and (3) the depth and breadth of technical staff available in terms of experience, qualifications, and education relevant to the SOW. These three subfactors are of equal importance.

11. See the Attachment for answers to the questions received during the Pre-Proposal Conference, as well as other questions received in response to the RFP.

SUBMITTED QUESTIONS WITH THE CORRESPONDING ANSWERS

Q1. Is it anticipated that support for this procurement will require access to or the generation of government-classified information?

A1. Yes

Q2. If so must all contractors be in possession of cleared facilities and staff prior to the award date?

A2. The Contractor must possess clearances at time of task order award

Q3. Is there any restriction on adding firms to individual teams after the award?

A3. No, Companies must follow FAR 52.244-2 once they received a contract award.

Q4. Will the work be performed at the Volpe Center or at the Contractors Facilities?

A4. At the Contractor's facilities

Q5. In a company's (or team's) proposal, does every aspect of the SOW have to be covered?

A5. Yes

Q6. Is there any consideration of splitting (2-4 awards) the small business award between the \$6M NAICS code and the \$21M NAICS code?

A6. No

Q7. Does the government have an estimate of how contract effort will be divided across the three task areas?

A7. No

Q8. How does small business that is focused on specific element of task find a prime to partner with?

A8. This should be a contractor's business decision

Q9. Is it known what percentage of the work will deal with weapons of mass destruction (CBRN)? If so, how much?

A9. Unknown at this time

Q10. Is any particular class of WMD (such as biological weapons) focused on?

A10. Unknown at this time

Q11. Are there any modes of transportation NOT covered by the contract?

A11. No

Q12. Will Threats/Hazards to transportation systems elements will be identified by client, contractor, or both? For example, Electromagnetic pulse, (EMP) against command, control, communications, computers?

A12. It depends upon the requirements of the individual task orders

Q13. Is GIS Imagery and use integral or an add on?

A13. Read the RFP for technical needs

Q14. There is a wide breadth of assessment methodologies (asset value, threat/hazards, vulnerability, risk). Is the methodology set by client, or will contractor be required to develop it for client?

A14. Possibly both

Q15. What is level of participation from public and private sectors during information gathering? Is there government/client assistance or is contractor responsible for complete process?

A15. Unknown

Q16. For SBSA can a prime bid on ONE task area or must prime bid BOTH task areas?

A16. Must propose in both task areas

Q17. Attach J-4 for staff positions, can years of relevant experience be substituted for a degree?

A17. Master Contract – NO For Task Orders– case by case basis

Q18. What is the format of proposal & how many pages?

A18. Read Section L.3.D

Q19. Where is the basic geographic location of this work to be completed metro Boston? New England, NE region, Nation wide?

A19. Nation wide and federal assets

Q20. Can 50% prime requirement for the small business procurement be satisfied by adding the % participation of all qualified small business on a small business team?

A20. No.

Q21. How will you be evaluating a Bidders competence in program development support?

A21. See Section M of RFP

Q22. Will you require program management certification (i.e. PMP certification) for proposed program managers?

A22. No

Q23. Will you be evaluating bidders experience and past performance in establishing program management offices?

A23. No

Q24. Please clarify the terms for government-solicited technology upgrades/refreshments (ref H.7)?

A24. The intent of this clause is to allow Offerors to submit unsolicited proposals for technology upgrades under a task order. Contractors will not be compensated for their proposal costs.

Q25. Please clarify your cost plus award fee requirement for fee award payments based on performance (ref Sec G.8)?

A25. Will be defined at time of task order award

Q26. The scope of work seems very vague, when will we receive more specific info?

A26. When individual competitive task orders are issued after contract are awarded

Q27. If our company specializes on a task area, can we provide a proposal for that task order only?

A27. No

Q28. If company specializes on one task area, should we seek a prime contractor to work under or will Volpe refer us to a prime?

A28. The Government cannot direct you to a prime contractor or a subcontractor. Each firm must make a decision independently of Government intervention.

Q29. How important is local presence and proximity to the Volpe Center? Does prime have to have a local office?

A29. No, you are not required to maintain a local office

Q30. What is the due date for SBSA proposal, full and open proposal?

A30. See SF33 cover pages for SBSA & F&O solicitations

Q31. Any guidelines available for filling out the required pricing forms?

A31. See Section L.4 of the RFP

Q32. How will this contract relate to SS & PSS and who were those awarded to?

A32. See Volpe Center FOIA website (www.volpe.dot.gov/foia/omni/html) and be advised that this is a separate requirement.

Q33. With prime contractor providing 50% of the work. Does the independent contractor work for my company count as my company assets?

A33. No

Q34. Is an 8(a) company who has worked with the government and have multiple contract considered as high 8(a) company?

A34. No

Q35. Must Volume 1 be formatted in excel 2000 in its entirety? Can schedule 1-10 be in Excel, the remainder Word?

A35. See L.3.C

Q36. Is there a form for the letter for sub consultant consent as references on L.4E?

A36. See FAR Clause 52.244-2

Q37. In which section should the disclosure of conflicts of interest appear – as referenced in I.6?

A37. On a task order basis

Q38. How does this current procurement relate to DTRS57-98-SS-0436 that was submitted on October 27, 2003?

A38. This is a reference for the sources sought

Q39 Does the NAICS code for 8(a) offerors apply for all small business? In order to enhance competition in the small business arena, has any thought been placed to increasing the Small Business Size Standard?

A39. Yes

A39. No

Q40. Who are your customers for this contract?

A40. Unknown at this time

Q41. Will the Task orders themselves be competitively bided among the winning contractors?

A41. Yes

Q42. May a contractor's team member (sub) be a foreign (non-American) company?

A42. Yes

Q43. May non-American goods be included in systems implementation?

A43. Buy American Act must be followed

Q44. Will this award fund R&D efforts by winning contractors?

A44. No

Q45. What is the total page count for the technical proposal? There is a page limit for the past performance descriptions but no indications as to a limit on the narrative that would discuss & introduce the companies that compose the team.

A45. See Section L.3.D

Q46. If the firm is very young (incorporated in Sept 2003) and has no history either as a firm or as its principles with recently working with any us gov't contract's a) do we just state the above and otherwise ignore history aspects b) is there any penalty associated with this status?

A46. See L.5.C Part 2 Past Performance

Q47. If the principal of the firm have had past industrial or gov't related U.S. DOD issued security clearances, but they have not been active for some number of years a) do we list these on the principles resumes? b) can we receive an award prior to such clearances being reestablished?

A47. Do not list if they are not active

A47. Clearances may be required prior to specific Task Order Award. Each Task Order Request for Proposal (TORFP) will specify security requirements.

Q48. If the firm is a very good (3 principles) recently established firm – should we bother to try to be a prime under SBSA or just a subcontractor?

A48. Your company must make its own business decision

Q49. What are the definitions of small businesses? How many people? What is the dollar gross of the company?

A49. To submit a proposal on the SBSA - the company must fall under the North American Industry Classification System (NAICS) code 541690 which states that the average revenue over the last three (3) years can not exceed \$6 million.

Q50. Please describe what a typical project might consist of under this contract. On the full and open and small business?

A50. Unknown at this time

Q51. For a proposal containing two subcontractors having over 20% of the hours each should we include a list of contracts and 5 past performance descriptions for each subcontractor? (i.e. 3 lists and 15 past performance descriptions for the most relevant (Prime & 2 subs)

A51. See Section L.5.C Part 2 Past Performance

Q52. Will the contract provide a limit to liability to protect the contractor against a catastrophe loss traceable to a contractor's delivery? (i.e. the contractor designs and installs a biological agent detector that fails to detect the agent designed for and many lives are lost).

A52. No

Q53. How will the Government address potential contractor catastrophic liability under this contract?

A53. The Volpe Center has no authority to address this issue

Q54. Section L.4.A indicates 208,700 hours however, schedule 8 indicates 208,780 hours should schedule 8 have 208,700 hours?

A54. See Amendment No. A0001

Q55. Do major subs need to or can they submit an additional 5 past performances or are you looking for a total of 5 per team?

A55. See Section L.5.C Part II

Q56. Can Volpe provide any information about your current pipeline of projects?

A56. See Volpe Center website

Q57. Is the 60K LOE staffing expected to be the "permanent staff" of the contractor, both full and open as well as SB?

A57. The level of effort in both solicitations are estimated to be the Government requirement for one contract year. No single offeror is likely to obtain task orders requiring that effort in any year because the RFP results in multiple award.

Q58. Has funding for specific projects been secured, or is the plan to go out and seek funding once contractors are in place?

A58. When the contracts are awarded, we intend to issue competitive task orders

Q59. Current security contract incumbents (five prime contractors).

A59. See Volpe Center FOIA website (www.volpe.dot.gov/foia/omni/html)

Q60. Will HubZone status received any special consideration in the small business set aside?

A60. No

Q61. What is the relationship between these contracts and the Transportation Security Administration of DHS?

A61. Unknown at this time.

Q62. Has TSA and/or DHS agreed to use these vehicles?

A62. Unknown at this time.

Q63. What departments and agencies have agreed to use these contractual vehicles?

A63. Unknown at this time.

Q64. Has HSARPA "Signed Up" to use these vehicles?

A64. Unknown at this time.

Q65. General idea of possible location of work to be done at?

A65. Unknown at this time

Q66. Regarding the Small Business proposal: Do companies have to be 8(a) and/or under \$6M for awards 2,3,4 etc.?

A66. Companies do not have to be 8(a)

A66. Remaining awards will be made to all eligible small businesses within NAICS code 541690 (\$6 million)

Q67. For the small business set aside procurement, how important is it to show (in the proposal) all the consultants available to the small business?

A67. If they are part of your team they must be part of your proposal

Q68. Proposal due date extension?

A68. No

Q69. Is there specific focus that we should apply to the 6 pages of past performance reference projects?

A69. See Section L.5.C, Part 2, Past Performance

Q70. Is the large LOE (208,700 hrs) based on an expected contracting volume?

A70. Yes, but that estimate is for one contract year and the RFP results in multiple awards.

Q71. Does Volpe already have TO's and sponsors already lined up for award this summer?

A71. The Government anticipates issuing competitive task orders after award of the master contracts

Q72. What is a large dollar value? How much?

A72. The Task Orders cannot exceed \$10 million

Q73. ODC amounts differ by contract type. Why is this?

A73. This is based on the Government requirement

Q74. Can years of experience be substituted for education on all labor categories?

A74. On a case by case basis for the task orders only

Q75. Is the price volume to be priced on Government site only?

A75. No. The Cost and Business Proposal should be price assuming performance at the Offeror's facility, even though Government authorization may be given for some task order(s) to be performed at a Government facility.

Q76. If my accounting system has been approved by a state department of transportation as a US DOT certified DBE enterprise, does this count as an approved accounting system?

A76. No – must be a federal government agency such as DCAA

Q77. Security clearance – what agencies are allowed to conduct the check on companies? Law enforcement, FBI etc

A77. It will depend on where the work is being performed

Q78. For SB – How many hours are required for cost proposal?

A78. The offeror must propose the hours in the Level of Effort Table in Section L

Q79. Would task specific hardening of the FAA air traffic control system be an appropriate activity for a SBSA company?

A79. Unknown at this time

Q80. Is it possible to get a list of the Contractors that were awardees in the two previous solicitations for the use in teaming opportunities?

A80. See Volpe Center FOIA website (www.volpe.dot.gov/foia/omni.html)

Q81. Is it correct to assume that small business with expertise in a single task area would be ill advised to compete?

A81. Yes, as a prime contractor

Q82. In light of the small numbers/awards in both categories, is it a good assumption that only proposal that address all task areas will be competitive?

A82. Yes

Q83. Attachment J.3 - It is understood that the contractors must have a TOP SECRET facility clearance with SECRET storage, but to fully assess the security requirement specifics (section 10), can the Government provide a completed DD-254?

A83. A DD254 will be issued with task order. Future security requirements are unknown at this time.

Q84. L.3.C - Instructions require the Cost and Business Proposal to be submitted on a floppy or CD compatible with Microsoft Excel. Can this be revised to Microsoft Office to include Word?

A84. Yes

Q85. L.3.D Para 4 – Binding is required as "loose leaf and in binders"; is assembly in easily opening binding such as 3-ring binders acceptable?

A85. Yes

Q86. L.3.D Para 6 - Item f references an "Index"; please clarify the requirement?

A86. Table of Contents

Q87. L.5.C - For Past Performance of major subcontractors; are they to also

provide a full listing and 5 most relevant contracts, including surveys, in addition to the Prime? If so, are they also limited to 30 pages each or is 30 pages the limit for each Volume, regardless of the number of subcontractors?

A87. Five (5) overall for the team

A87. 30 pages including subcontractors

Q88. The RFP contains many forms and schedules to be completed by the contractors, hence can the Government supply the RFP in an editable, Microsoft Word and/or Excel format?

A88. No

Q89. L.5.C – Participates at the Orals; the second paragraph states that a subcontractor will not be allowed to participate if the company was proposed on more than one offer. Does this requirement only apply within each RFP (20012 Small and 20011 Open are each independent evaluations); or will a subcontractor participate be ineligible on, for example, the Small procurement orals if his/her company is also a proposed subcontractor on the Open RFP?

A89. Yes, a subcontractor can participate in the oral for the full & open and the small business set-aside. However, a subcontractor cannot participate if they are a subcontractor to more than one company in the full & open or more than one company in the small business set-aside.

Q90. Please clarify the required facility security clearance level:

A90. “The Contractor should also possess a Top Secret Facilities Clearance in accordance with the Industrial Security Regulation (DOD 5220.22R) for the receipt, generation, and storage of classified material. The Contractor shall be responsible for obtaining appropriate security clearance from the Defense Investigative Service and for ensuring compliance by its employees and subcontractors(s) with the security regulations of the Government installation or Contractor (or subcontractor) facility where work is to be performed (See Attachment J.3 – DOD CONTRACT SECURITY CLASSIFICATION SPECIFICATION, DD-254).”

“Some task orders may require access to classified information. The contractor must possess and maintain a Secret Facility Security Clearance in accordance with the Industrial Security Regulation (DOD 5220.22R) for the receipt, generation, and storage of classified material. The contractor must possess the clearance at time of task order award. The contractor shall be responsible for ensuring compliance by its

employees and subcontractors with the security regulations of the Government installation or other facility where work is to be performed.”

A90. See Page 2 of this amendment

Q91. How will the possession of a secured facility be weighted in the overall evaluation criteria?

A91. It will not be weighted in the evaluation for the master contracts

Q92. If a publication is shown in our presentation, may we bring a copy of the entire publication to the presentation?

A92. No

Q93. What are the 5th & 6th person allowed to do at the presentation? If directed by the Program Manager or client, may they answer a technical question?

A93. To observe as a non-participant

A93. No

Q94. May we have embedded video clips in the presentation as long as they are included on the accompanying CD?

A94. No, information on the CD should be cost and business proposal information

Q95. Will the selection panel view the presentation as it appears on the CD prior to the presentation?

A95. No

Q96. Some of our most relevant work is deemed strictly confidential by our clients and requires secure compartmentalization. How shall we present this information, which may appear vague in writing, but the referenced client could provide more information?

A96. The language contained in the solicitation clause remains as stated. The Government needs this information for its evaluation purposes. It is a business decision on the part of the Contractor as to what information it provides to the Government that is required by the solicitation. The Government may sympathize with a Contractor if certain work cannot be disclosed. However, the Contractor must realize that the Government in this situation cannot evaluate a proposal if the required info is not provided.

Q98. Section H.11. For personnel clearances, will only DOD clearances be accepted, or are other clearance such as DOE and CIA allowed?

A98. Clearances will be required in the future task orders.

Q99. Are we correct to assume that all work will be conducted at Contractor's facilities? Or should we assume a portion of effort to be off Contractor's facilities? If so, how much should we assume to be off Contractor's facilities?

A99. The Cost and Business Proposal should be prices assuming performance at the Offeror's facility, even though Government authorization may be given to some task order(s) to be performed at a Government facility

Q100. On Schedule 5, Note (1), it indicates that burden should not be applied to travel and equipment costs. However, page 76 states that ODCs shall be burdened in accordance with established practice. Please clarify.

A100. Travel and equipment costs are Volpe stipulated ODCs

A100. ODCs should be burdened in accordance with the Contractor's established accounting practices on Schedules 2, 3, and 4. When calculating fixed fee, award fee, and profit on Schedule 5, however, the applicable burdens should be included in the "all other costs" lines.

Q101. The RFP stipulates that the Award Fee had no statutory limit. It is our interpretation of Cost type contract, unless it is research and development that all cost plus fixed or award fee contracts can not exceed 10%. Please clarify.

A101. There is no statutory limit on award fee.

Q102. The RFP requests that Offeror estimate additional Other Direct Costs. How will the Government evaluate these costs? Each Offeror has a different disclosure statement. Does this not provide some Offeror a competitive advantage? We suggest requesting for a list of additional Other Direct Costs rather than estimating them.

A102. Each offeror must propose ODCs in accordance with its own accounting practices. Some examples are postage, reproduction, courier services, etc. These examples of ODCs are above and beyond the Volpe Center stipulated ODCs that all offerors must propose in accordance with the RFP.

Q103. Please define equipment. For an example, does this include rental of equipment?

A103. Equipment cannot be defined at this time

Q104. The RFP requires the Offeror to estimate the level-of-effort of administrative

labor. How will the Government evaluate each Offeror's estimate? We request that the Government provide the level-of-effort to provide consistency and to facilitate cost realism and reasonableness.

A104. To facilitate cost realism and reasonableness it must be in accordance with companies approved accounting system. Each company has its own approved accounting system by which they must charge administrative hours.

Q105. RFP Section G.8.C.4 does not indicate a base fee for Cost-Plus-Award-Fee contracts. The offeror would like to propose a Base Fee as part of the total Award Fee calculation. Will the Volpe Center consider this in its evaluation?

A105. No. At a CPAF task order issuance only

Q106. RFP Section L.3.C states that an electronic version of Volume I, Cost and Business Proposal, must be submitted on a 3 1/2-inch floppy disk or CD in a virus-free format compatible with Microsoft Excel Version 2000. Offeror proposes to submit *data* in a format compatible with Microsoft Excel Version 2000 and *narrative text* in a format compatible with Microsoft Word 2000 and Adobe Acrobat.

A106. Yes

Q107. RFP Section L.5.C indicates that employees of firms that are included as subcontractors under more than one proposal for this procurement (DTRS57-04-R-20011) shall not be allowed to participate in the Oral Presentation. Can a subcontractor have an employee participate in a Prime contractor's orals in the Full and Open (DTRS57-04-R-20011) procurement while also being a subcontractor for the Small Business Set-Aside (DTRS57-04-R-20012) procurement?

A107. Yes

Q108. L.2.A Paragraph L.2.A, "Exclusion from Bidding" indicates that current on-site service contractors with Volpe may be precluded from receiving award of this Omni contract. Will there be any restriction on the award of future on-site contracts to a Transportation Security Solutions Omni contract holder? In other words, does receiving this Omni contract preclude a contractor from being awarded an on-site support contract?

A108. It is unknown at this time

Q109. C.3.B, Task Area 2 Mitigation Planning and Implementation
Task Area 2, Mitigation Planning and Implementation, requires the contractor to design, integrate, deploy and monitor security programs, systems, subsystems and components for the protection of several modes of transportation, logistics processes and governmental functions, facilities and operations from sabotage and terrorists

attacks. The work contemplated under Task Area 2 could subject the contractor to substantial third party liability in the event of a catastrophic loss to physical assets, operations and people caused by sabotage or terrorist attack. Adequate insurance coverage for such losses is not available, and this places the contractor at risk for substantial third party liability. The work to be performed under this contract would qualify as anti-terrorism technology and protection is available for the Contractor and the Government under the Safety Act. Accordingly, we request that the following special provision be added to Section H of the solicitation. This change will help obtain Safety Act protection from extraordinary third party liability caused by terrorist acts:

H-XX, SAFETY Act. The Government will assist and sponsor the contractor, as well as the major subcontractors, in the submission of applications to the Secretary of Homeland Security for certification that the services being provided to the Government under the Contract are a Qualified Anti-Terrorism Technology for the purposes of protections set forth in the SAFETY Act, Subtitle G of Title VII of Public Law 107-296.

A109. The Government declines to include this requested language. This language Clearly reflects a potential situation that is clearly a business decision on your part

Q110. L.3.B Proposal Presentation, L.5 (several) There is inconsistency in the RFP between section L.3 and L.5 regarding the structure for the proposal Volumes. Please clarify for clear marking and identification of proposal. L.3.B Proposal Presentation, Volume III, Past Performance and Staffing states: Part A of this volume must include the required list of the Offeror's current contracts, copies of performance reports or explanation. Part B must identify the proposed Program Manager and Task Area Manager and include the required resumes. L.5, INSTRUCTIONS FOR TECHNICAL PROPOSAL, Parts of the Technical Proposal states: Part 2 – Past Performance (Volume III) L.5, INSTRUCTIONS FOR TECHNICAL PROPOSAL, Part 2 – Past Performance (Volume III) states: Offerors shall submit their past performance information as a separate part of their proposal for both the Offeror and major (over 20 percent of the hours in the Cost and Business Proposal) proposed subcontractors. Offerors shall submit this past performance data as a separate part of their proposals and it shall be clearly marked and identifiable. L.5, INSTRUCTIONS FOR TECHNICAL PROPOSAL, Part 3 Staffing (Volume III) states: Part 3 – Staffing (Volume III)...Resumes shall be submitted in accordance with the requirements outlined below.

A110. See this amendment page 2 for appropriate change to the above question

Q111. H.3, Contractor Responsibility We respectfully request that the Contractor Responsibility clause "H.3" be removed from the solicitation for the following reasons: We consider it to be a significant revision to the FAR and should not be included in Government contracts until it has been appropriately reviewed and approved.

We consider it to be an unauthorized deviation from the FAR.

It appears to allocate risk in a manner not consistent with the risk-shifting process established in the FAR. The rationale supporting each of these reasons is described in the following paragraphs:

1. Significant Revision. The solicitation currently contains FAR 52.228-7 "Insurance – Liability to Third Persons", and FAR 52.246-25 "Limitation of Liability – Services". Both of these FAR provisions limit the contractor's liability except for damages resulting from the willful misconduct or lack of good faith on the part of the contractor's managerial personnel. The proposed H.3 provision substantially alters this risk allocation process. As such it is a significant revision to the FAR. See FAR 1.501-1 for the definition of "Significant revision". All significant revisions are subject to the procedures established in FAR Subpart 1.5 "Agency and Public Participation". H.3 should not be included in the solicitation until it has been approved in accordance with the mandatory requirements set out in FAR Subpart 1.5. See also 41 USC § 418b on which FAR Subpart 1.5 is based.

2. Unauthorized Deviation. It is also our understanding that a similar provision is contained in the incumbent contract. If this is correct, then it is clear that the H.3 clause is a deviation contained in a class of contracts. Class deviations must be approved in accordance with FAR Subpart 1.4. Again, we note that H.3 should not be included in the solicitation until it has been approved in accordance with the requirements in the FAR.

3. Risk Allocation. There are numerous contractual mechanisms for the allocation of risk set forth in the FAR and its supplements. These include: (1) the insurance provisions set forth at FAR Part 28, which address risk from third party claims; (2) the concept of finality of "acceptance" as set forth in FAR Subpart 46.5, which bounds performance risk; and, (3) the warranty provisions addressed in FAR Subpart 46.7, which are intended to define the extent of performance risks assumed by the contractor beyond the point of acceptance. Each of those risk-shifting provisions clearly reflects a carefully considered system of risk allocation and each was subject to notice and comment rulemaking through publication in the Federal Register. Moreover, policy considerations underlying each and every one of these FAR provisions run counter to the H.3 clause at issue.

The H3 clause allocates risk in a manner directly contrary to standard provisions already contained in the solicitation. Accordingly, it should be removed from the solicitation.

A111. See this amendment for change to H.3

Q112. Attachment J.4, Labor Category Solutions Can applicable experience be substituted for required education in category qualifications? Recommend two years of directly related experience be considered equivalent to one year of required education.

A112. No

Q113. Since task orders may be issued on a firm fixed price (FFP) basis and that the Government Property required to perform a task would probably be located at a Government facility, it would be in the best interest of the Government to limit the risk of loss for the Contractor by adding Alternate 1 to FAR 52.245-2, Government Property (Fixed Price Contracts).

A113. No. The above referenced clause will not be added

Q114. Do all proposed subcontractors have to be US companies?

A114. No

Q115. For Task Area 2 are you asking the contractor to serve as the program manager for bidding and implementation of systems or are you expecting the contractor to serve as the prime for installation work?

A115. No

A115. The prime is ultimately responsible for all aspects of the contract

Q116. RFP Section L, Resume Format, has the following requirement: "Relevant dates and names and addresses of educational institutions and employers must be provided for all experience, education, and specialized training claimed." In many instances, former employers no longer exist or the information is not readily available. Also, in many instances, work was of a classified nature (e.g., special ops forces) and cannot be disclosed. Would the Volpe Center accept a signed statement from each resumed individual that the information is true and accurate to the best of their ability when the information cannot otherwise be obtained?

A116. No a signed document is not adequate.

Q117. Section L of the RFP, Facilities and Presentation Media provides "preferred" slide text and formatting specifications. Can a proposal deviate from the exact font style and size specifications, as long as the slides satisfy the Volpe Center's purpose of being easily readable and not overly elaborate?

A117. Yes, provided it is in an easily readable format

Q118. Section L of the RFP, Facilities and Presentation Media provides slide text and formatting specifications. Please clarify what is meant by the requirement "Lines of Text per slide (i.e., number of bullets): no more than eight." In some instances, the text associated with a single bullet could run over to a second line. Is the specification 8 lines or 8 bullets? Please clarify.

A118. 8 lines

Q119. For the oral presentation slides, does the Volpe Center consider tables the same as graphics?

A119. Yes

Q120. For the oral presentation slides, can slide identification (ie., SOW area) be placed in footer and does that count in the "lines of text" specification?

A120. The footer will be counted as lines of the text

Q121. Can an offeror propose more than one Task Area Manager for a particular task area within the SOW (and therefore have more than 4 key personnel (3 total Task Area Managers and a PM))?. If so, can both participate during the oral presentation and Q&A (e.g., could an offeror have 5 presenters and 1 non-presenting employee/official)?

A121. SBSA cannot be more than 2 Task Area Managers and 1 Program Manager
The F & O cannot be more than 3 Task Area Managers and 1 Program Manager

Q122. Could the Volpe Center provide additional clarification regarding Task Area 2, Technology Assessments (SOW Area C.3.B.1.a). In particular, for the area identified as "vehicle classification systems and sensors," and "detection of tampering in transportation operations at inter-modal facilities," is the Volpe Center referring to vehicle tags (i.e, smart tag) and container sensors, respectively?

A122. Vehicle tags and container sensors are examples of such systems and sensors. There are many others.

Q123. If a subcontractor is a large business, but does not have a US government approved accounting system, can their subcontract be issued as time and materials?

A123. Regardless of business size, a subcontractor without an approved accounting system who is not a significant participant would be a candidate for a time and materials subcontract.

Q124. For the past performance requirement, can we provide a detailed project description from a subcontractor if their proposed level of effort is less than 20 percent of the total hours in Cost and Business Proposal? If yes to the above question, would the subcontractor also be required to provide the list of federal contracts with a value in excess of \$1,000,000?

A124. No

Q125. We are unclear of the required sequence for providing past performance evaluations for the five selected contracts. Is the following correct?

The Offeror should send any of our five contract references that are NON-Federal Government clients the "Client Authorization Letter" (Exhibit A). We do NOT have to send this letter to Federal Government references, but could choose to do so.

A125. Yes

Q126. If the contracting entity associated with the cited contract has given us a past performance evaluation and provided us with a copy, we may send this copy to the Volpe center and this evaluation is sufficient, especially if the evaluation was completed in accordance with Subpart 42.15 of the FAR. We may include this report with our proposal submission or send it to the Volpe Center on or before the date the proposal is due.

A126. Yes

A126. Include with proposal submission

Q127. If we do not possess such an evaluation for a past performance reference, we must contact the reference and have them complete an evaluation of our performance and send the evaluation directly to the Volpe Center on or before the date the proposal is due.

a. If the contracting entity has developed its own past performance evaluation report form, then the evaluation should be completed using that form?

A127 a) Yes

b. If the contracting entity has NOT developed its own past performance evaluation report, then we should refer them to the Contractor Performance Report format found at the NIH Health Contractor Performance Report System website. The client should then complete this form and send the evaluation directly to the Volpe Center on or before the date the proposal is due.

A127 b) Yes

Q128. What is meant by areas of concern? For whom, the Government and/or the Offeror? Please clarify what is meant by first two bullets on slide 28 of the briefing presentation?

A128. A) By "problem areas" the Government means the Offeror or subcontractor has inadequately documented its proposal.

A128. B) first bullet – DCAA does not have indirect rate recommendations for an Offeror (or subcontractor), and the proposal fails to include considerable details to support the indirect rates. Such support could include a detailed list of expenses for

the most recent fiscal year, or two; year-to-date actuals; and/or a detailed projection for the coming fiscal year.

A128. C) second bullet – An Offeror decides to establish a new indirect rate for this procurement, and the Offeror fails to provide the rationale that went into the development of the new rate. For example, perhaps the Offeror decides to propose a subcontract burden it never previously maintained in its accounting records. If an Offeror does this, when the Government contacts DCAA to verify proposed indirects, no recommendation will be available. Compounding this, the creation of a new subcontract burden could impact the existing G&A rate. An Offeror must explain the basis of the proposed new rate including what is in the new pool, how the costs in the pool were estimated, an explanation of the allocation base, and what impact the rate will have on the G&A rate, if any. A projection could be prepared, or historical costs re-stated, or both, to support the new rate.

Q129. The RFP states “the Cost and Business Proposal must also be submitted on a 3 ½-inch floppy disk or CD in a virus-free format compatible with Microsoft Excel Version 2000.”. Is it acceptable to only provide Schedules 1 through 10 in this format (showing all cost calculations) since the supporting rationale and documentation will be in a Microsoft Word format (i.e., Small Business Subcontracting Plan, Contract Cost Control Plan, evidence of Top Secret Facilities Clearance, etc)?

A129. Yes

Q130. Under Section I, Clause 8, “1252.216.71 DETERMINATION OF AWARD FEE (OCT 1994), would you remove the following language from the clause:”... and shall not be subject to appeal under the “Disputes” clause or to any board or court.” This statement was removed from the FAR back in February 2000 in FAC 97-15. The implementing rule (FAR Case 98-017) was in response to a series of court rulings holding that the Contract Disputes Act applies to all disputes arising under government contracts?

A130. This is a clause for U.S. Department of Transportation, Transportation Acquisition Regulations (TAR), therefore, the Volpe Center has no authority to amend it.

Q131. Paragraph C.3: Indicates, "The contractor shall utilize a "systems approach." Can you clarify what is meant by "systems approach"?

A131. This is an approach that takes into consideration the impacts of subsystem design on the functionality and effectiveness of the entire system, and interoperability with other components of the system.

Q132. Section 4: System Analysis - What Constraints provided by the

Government - What specifically are you looking at?

A132. To be determined at Task Order level

Q133. Section B: Criteria provided by the government - What are the criteria?

A133. To be determined at Task Order level

Q134. E.2. C: What is the quality assurance plan?

A134. A plan to monitor performance under a Task Order award.

Q135. F.6: Graph - does this also have to be in a Microsoft Office product?

A135. Yes

Q136. G.8: Cost Plus Award Fee percentages. It appears as though substantial reductions are made in award fees for performance that nonetheless exceeds client's expectations. Please clarify your CPAF requirements for fee award payments based on performance.

A136. CPAF evaluation plans will be implemented at the task order level.

Q137. G.13: In reference to the Cost Accounting System - As long as contractor maintains a job order cost accounting system, does this satisfy this requirement as per your understanding?

A137. Approval by a Government agency, usually Defense Contract Audit Agency, is required.

Q138. H.7: Technology upgrades/refreshments. After the issuance of a task order, if the Government solicits a technology upgrade/refresh to be conducted by contractor, it seems reasonable that the contractor would be compensated fairly for conducting the work through the issuance of a task change order. Yet, the second paragraph states that the government will not be liable for proposal preparation costs or any delay. Please confirm these terms, as stated.

A138. a) The intent of this clause is to allow Offerors to submit unsolicited proposals for technology upgrades under a specific Task Order.

A138. b) The contractor will not be compensated for its proposal costs.

Q139. H.11: Security - When do security clearances need to be accomplished? Can these be applied for after acceptance of award?

A139. At time of Task Order award.

Q140. H.11: Security and Position Sensitivity Designations. Are you requiring Top Secret Facilities clearance as stated in paragraph 1, or just Secret Facilities clearance, as stated in paragraph 2?

A140. See Page 2 of this Amendment

Q141. H.16: - When does the accounting system have to be approved, prior to start of award?

A141. The accounting system must be approved prior to award of a cost type contract.

Q142. K-17: Since we are a small business, there are numerous references to accounting systems; do we not qualify without a prior approval of our system? Are we in compliance if we self-approve the system?

A142 A) The contractor must have an approved accounting system approved by a federal government agency.

A142 B) No

Q143. 52.215-20: Requirements for cost or pricing data or information other than cost or pricing data (Oct 1997) Alternative IV (Oct 1997): Will filling out the forms included in the Solicitation suffice?

A143. Follow Cost and Business Proposal preparation instructions in Section L

Q144. L.4.D: Information other than cost and pricing data-Cost of Money. What are allowable uses of funds borrowed to qualify for this reimbursement item?

A144. See Federal Acquisition Regulation (FAR) 31.205-10

Q145. The annual hours shown in section L appear to indicate that the Government intends to run at least 4 task orders concurrently. Is this correct?

A145. No, section L is for proposal evaluation purposes only

Q146. If we are accepted as a vendor, when can we apply for the loan and bonding amounts?

A146. There is no loan and/or bonding requirements for these contracts.

Q147. Can you clarify if this contract will require a continuous "on site" presence by the contractor?

A147. No on-site presence

Q148. Regarding the Labor Category Qualifications identified in Attachment J.4 to RFP DTRS57-04-R-20011, is a High School Degree with a specified amount (6 years or more) experience considered equivalent to a Bachelors Degree?

A148. No

Q149. Does each team member need a Top Secret Facility on day one?

A149. No

Q150. Can a secret facility be adequate until DOD upgrades the facility?

A150. Security requirements will vary from task order to task order.

Q151. Can a team member borrow/lease an approved TS Facility for storage/conferences from another company until it has final approval for a TS Facility?

A151. No

Q152. Can a team member bid the services and resume of on call staff from a personnel staffing agency (with clearances and the right experiences/clearances) or must the resumes only come from direct employees of the bidding teammate?

A152. No, personnel staffing (resumes) must be from the team

Q153. Can a teammate bid less than a FTE? That is two or more companies share a Persons hours for bid and execution purposes?

A153. No

Q154. Can the staffing costs be like a GSA schedule?

A154. No

Q155. Is it acceptable to DOT that a small business has "requested a DCAA audit" or must the audit have been performed and the system certified "prior" to the bid/award?

A155. The Offeror must have an approved accounting system before contract award

Q156. There are no equivalencies listed (substitute experience for education Requirements) for the Staff categories: Senior, Middle, Junior, and Staff. Will you consider giving experience substitutions for the education Requirements? Also, may a BA or CS (Computer Science) Degree be Substituted for the BS Degree requirement?

A156. No. Bachelors Degree must be directly related to the Statement of Work (SOW) See Section C of the RFP

Q157. Proposal Checklist – Do the subcontractors have to submit a complete Cost and Business Proposal (Schedule 1-10) and Section K to the government as part of their sealed package or do they submit only the checklist items marked “yes” for the column applicable to subcontracts?

A157. Subcontractors must submit a completed cost proposal based on the checklist in addition to Section K

Q158. In the case of a bid with major subcontractors, is it intended that there should be no more than five (5) reference contracts overall, or no more than five for the Offeror and five for each major subcontractor?

A158. Five (5) past performances overall

Q159. C.3.B-1.d What are the task order requirements?

A159. Unknown at this time

Q160. G.4 Do you currently have to be under a multiple award schedule?

A160. No. This is a new requirement. G.4 describes the processes for task orders that will be issued to the Multiple Contractor awardees under these TSS solicitations

Q161. H.11 Does the company have to have security clearances or the subcontractor assigned to the task?

A161. Requirements for security clearances will be determined at the task order level

Q162. Which task orders require security clearances and what the specific clearances required for each?

A162. Unknown at this time.

Q163. K.17 What does it take to get the company’s accounting system approved by a government agency for cost-type contracts?
Would the company’s CPA firm suffice?

A163. An audit by the Defense Contract Audit Agency (DCAA) or another federal Government agency.

A163. No

Q164. Please further clarify who can give the presentation after the proposal has

been submitted?

A164. The Program Manager and the Task Area Managers

Q165. Can the “50% of the work rule” include work provided in conjunction with another Company through a partnership agreement for services not typically provided by the original company but deemed vital to the tasks at hand?

A165. No

Q166. Do all four 4 contract line items for price need to be addressed in the RFP?

A166. Yes

Q167. Are a list and resumes for each expected employee for the Contractor required upon submission of RFP response? If “No”, is an overview of capabilities at each level sufficient?

A167. No.

A167. In accordance with the Technical Proposal Instructions Part B – Staffing, offerors are required to submit resumes of proposed technical staff that are representative of the RFP stipulated labor categories. The purpose of this is to assess the capability of the offeror’s proposed staffing and skill mix to satisfy the Statement of Work (SOW) task areas.

Q168. If a team has a major subcontractor (one that has over 20% of the proposed hours), in selecting the contracts that we consider most relevant, is the requirement to submit 5 contracts from the prime contractor and an additional 5 contracts from that major subcontractor? Please clarify?

A168. No. Five overall

Q169. Can the Offeror include a subcontractor past performance as part of the 5 most relevant contracts?

A169. Yes, if the work is considered relevant

Q170. Can I propose on the Small Business Set-aside if my revenue has exceeded the \$6 million over the last three (3) years?

A170. No. The Contractor must fall under the NAICS Code.